REMARKS

The disclosure has been objected to as containing an informality. This objection has been removed by denoting the term "steps 50" in page 5, line 18 as "steps 51."

The drawings have been objected to for failing to comply with 35 U.S.C.§1.84(p)(4). This objection has been overcome by changing the number on the steps in FIGS. 1-7 from 50 to 51.

The drawings have been objected to for failing to comply with 35 U.S.C.§1.84(p)(4). This objection has been overcome by showing the head of bolt 64 in FIG. 6.

In addition, FIG. 2 has been changed to correct the lead line to trunnion tube (16) and FIG. 6 has been changed to correct the designation of extension plate (18).

Claims 2-3, 9 and 12-14 stand rejected as indefinite under 35 U.S.C. § 112, paragraph 2 for failing to point out and distinctly claim what Applicant regards as its invention. To insure clarity, the Applicant amended the specified language to distinctly claim what Applicant regards as its invention.

Claims 1-4, 6, 9-11, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dunlop et al., (US 5,641,262). Applicant respectfully traverses this rejection. Dunlop et al. does not qualify as an anticipatory reference. For example, the specified claims are directed to a cantilever liftgate. A cantilever liftgate platform is supported at one end only. The platform in Dunlop et al. clearly relies on cable support provided at the second end. Reconsideration is respectfully requested.

Claims 1-3 and 9-10 stand rejected under 35 U.S-C, § 102(b) as anticipated by Nilson, (2,732,960). Applicant respectfully traverses this rejection. Nilson does not qualify as a anticipatory reference. As stated above, the specified claims are directed to a cantilever liftgate. Nilson does not disclose a cantilever liftgate. Reconsideration is respectfully requested.

Claims 5, 7-8, 12 and 14 stand rejected under 35 U.S.C. § 103(a) as obvious over Dunlop et al., supra. Applicant respectfully traverses this rejection. Dunlop does not disclose a cantilever liftgate. And there has been no showing that the invention specified in the claims would have been obvious to one of ordinary skill in the art. Reconsideration is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as obvious over Mortenson et al, (4,078,676) in view of Dunlop et al. Applicant respectfully traverses this rejection.

In the present application, a cantilever liftgate with a unitary frame is installed on a vehicle body. The described liftgate dramatically reduces the time required for installation, simplifies the process and thereby improves the reliability and strength of the finished product. Prior to Applicant's invention, cantilever liftgates were installed on the truck chassis, piece by piece, rather than the truck body, because the chassis is considered stronger. However mounting a cantilever type liftgate to a truck chassis can be problematic because the components of cantilever liftgates are prone to misalignment with the vehicle body. In Mortenson, separate side plates 14 are individually secured to the truck frame 12. Stationary extension plate 46 of Mortenson is either mounted on frame 10 or may be independently mounted to the truck bed by welding (column 3, lines 65-69). The Examiner recognizes that claim 15 is distinguishable from the prior art in the particular way the liftgate is secured to the vehicle body, but objects to the way the claim is phrased, i.e., the phrase "configured to be secured to the vehicle body." The Applicant has clarified the claim by deleting "configured to be" from the phrase. Reconsideration of claim 15 and the claims that depend therefrom is respectfully requested.

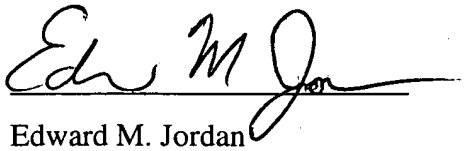
One skilled in the art would not rely on the teachings of Dunlop, which relates to a hydraulic lift primarily designed for pick-up trucks (see column 1, lines 9-11). Dunlop does not make up for the deficiencies of Mortenson relating to the unitary frame attached to the truck (or vehicle) body. There is no suggestion of such a unitary frame in the prior art. Some of the advantages of this unitary construction are described in the Applicant's specification starting on page 5, line 30 through page 6, line 10.

Lugash et al., (5,513,943) and Morton (4,818,842) are cited with respect to certain features of the claimed invention but not cited against the original claims. Applicant reviewed these references and found that they are less relevant than the prior art cited by the Examiner.

The Applicant has amended the claims to distinctly claim structure and methods in accordance with the Examiner's rejections under 35 U.S.C. § 112. By the above amendments and remarks, Applicant does not intend to relinquish any degree of coverage. In addition, Applicant does not acquiesce to the conclusions drawn by the Examiner about the scope and content of the prior art. The claims of the application, interpreted broadly, are distinguishable over the cited references whether taken alone or in combination, as discussed above, and are in a condition for allowance. Reconsideration of the claims is respectfully requested.

If the Examiner has any question concerning this amendment, please contact the undersigned attorney.

Respectfully submitted,



Edward M. Jordan
Registration No. 40,666

ENCLSOURES

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MANATT, PHELPS, & PHILLIPS

VERSION WITH MARKINGS TO SHOW CHANGES

In the Specification:

The paragraph beginning on line 15 of page 5 has been amended as follows:

Framework 12 preferably comprises a variety of additional features to simplify manufacture and to increase the utility of the liftgate system 10. For example, side plates 14 may comprise formed steps ~~50~~ [51], pump bracket 52 for mounting pump 54 to power hydraulic cylinder 38, dock bumpers 56 and vehicle light brackets 58. Generally, these features are integral with the framework 12 but they can also be separate members that are suitably attached to the frame. Also preferably, lift frame tube 22 is configured to function as an underride guard to minimize injury in the event of a rear end collision. Integrating underride protection into the existing liftgate system removes the need for an additional, dedicated horizontal member.

In the Drawings:

Please amend the drawings originally filed with the application with the enclosed amended FIGS. 1-7.

In the Claims:

1. (Amended). A cantilever liftgate comprising: a unitary frame, the unitary frame comprising an opposing pair of side plates[,] and an extension plate extending between the side plates[,]; a hydraulically driven lift frame pivotally attached to the side plates; [and] a liftgate platform rotatably attached to the lift frame; and means for securing the unitary frame to a vehicle body [wherein the liftgate is configured to be secured only to a vehicle body].

2. (Amended). The liftgate of claim 1, wherein the liftgate is fully assembled [prior to being secured to the vehicle body] and detached from a vehicle for shipping or testing.

3. (Amended). The liftgate of claim 1, wherein the [liftgate is configured to be secured] means for securing the unitary frame comprises a plurality of bolts for bolting the unitary frame to the vehicle body.

9. (Amended). The liftgate of claim 1, wherein the liftgate includes at least one

upper stacking member and at least one lower stacking member, wherein the profile of the lower stacking member is configured to[stack] nest with [a similar liftgate] the profile of the upper stacking member.

10. (Amended). A vehicle body assembly comprising a vehicle body and a cantilever liftgate secured to [a] the vehicle body, the cantilever liftgate comprising: a unitary frame, the unitary frame comprising an opposing pair of side plates[,] and an extension plate extending between the side plates[, a hydraulically]; an actuator driven lift frame pivotally attached to the side plates; and a liftgate platform rotatably attached to the lift frame [wherein the liftgate is secured to the vehicle body].

11. (Amended). The [liftgate] vehicle body assembly of claim 10 wherein the liftgate is secured to the vehicle body by bolts.

12. (Amended). The [liftgate] vehicle body assembly of claim 10 wherein the [liftgate is secured to the vehicle body prior to the vehicle body being secured to the vehicle chasis] vehicle body assembly is detached from the vehicle.

13. (Amended). The [liftgate] vehicle body assembly of claim 10[,] wherein the [liftgate is fully assembled and tested prior to being secured to the] vehicle body comprises a truck bed and the unitary frame is mounted substantially below the floor of the truck bed.

14. (Amended). The [liftgate] vehicle body assembly of claim 13 wherein [said liftgate further comprises a lower horizontal frame member which is attached to the vehicle body upon securing said liftgate to said vehicle body] the extension plate is mounted in the plane formed by the truck bed to provide a bridge from the truck bed to the platform when the platform is horizontally extended in the plane of the truck bed.

15. (Amended). A [preassembled unitary] cantilever liftgate [configured to be secured to a vehicle body] comprising:

(a) a unitary frame having an opposing pair of side plates, a trunnion tube extending between the side plates and an extension plate extending between the side plates, wherein the side plates [and the extension plate] are [configured to be] secured to the structure of the vehicle body;

(b) a lift frame having an opposing pair of parallelogram linkages each having upper arms and lower arms and proximal pivot members and distal pivot members and a lift frame tube

extending between the lower arms, wherein the proximal pivot members are secured to the trunnion tube;

[(d)](c)a liftgate platform rotatably attached to the distal pivot members, having a stop configured to prevent rotation of the liftgate platform away from the upper and lower arms past a generally horizontal orientation parallel with the vehicle body and configured to allow rotation of the liftgate platform toward the upper and lower arms to a generally vertical position perpendicular with the vehicle body when in a lowered position; and

[(e)](d) an [hydraulic cylinder] extendable actuator pivotally secured at one end to the trunnion tube and at the other end to the lift frame tube; wherein,

when the liftgate platform is rotated to the horizontal orientation extension of the actuator raises the liftgate platform from a lowered position to a raised position while maintaining the horizontal orientation and when the liftgate platform is rotated to the vertical position extension of the actuator raises and inverts the liftgate platform into a stowed position.

Claims 16 – 24 are new.